

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION**

The South Carolina State Conference of the)
NAACP, and Taiwan Scott, *on behalf of*)
himself and all other similarly situated)
persons,)

C/A No.: 3:21-cv-03302-RMG-TJH-MBS

Plaintiffs,)

v.)

Thomas C. Alexander, *in his official*)
capacity as President of the Senate)
Judiciary Committee; James H. Lucas, *in*)
his official capacity as Speaker of the)
House of Representatives; Chris Murphy,)
in his official capacity as Chairman of the)
House of Representatives Judiciary)
Committee; Wallace H. Jordan, *in his*)
official capacity as Chairman of the House)
of Representatives Elections Law)
Subcommittee; Howard Knabb, *in his*)
official capacity as interim Executive)
Director of the South Carolina State)
Election Commission; John Wells, *Chair,*)
Joanne Day, Clifford J. Elder, Linda)
McCall, and Scott Moseley, *in their*)
official capacities as members of the South)
Carolina State Election Commission,)

ORDER

Defendants.)

The Panel conducted a telephonic hearing on April 12, 2022 to address motions to compel filed by Plaintiffs and House Defendants. (Dkt. Nos. 157, 198). The Panel will soon issue a comprehensive order addressing the numerous issues raised by these motions but felt it necessary to document in this Order certain rulings and directed action by the parties that must be accomplished in the immediate future to allow timely completion of discovery in advance of the commencement of the trial on the House Plan on May 16, 2022. The Panel orders as follows:

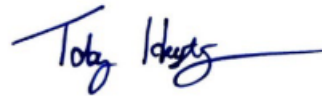
1. Standing: Defendants have moved to compel the production of documents related to establishing organizational standing of Plaintiff The South Carolina State Conference of the NAACP (“NAACP”). (Dkt. No. 157-7, Requests to Produce 22, 23, 24, 26). Plaintiff NAACP is directed to produce the names and home addresses of one or more members of the NAACP for each of the challenged House Districts on or before April 15, 2022 and to indicate whether each is a registered voter. The parties shall enter into a confidentiality agreement providing for “attorneys’ eyes only” regarding this information.

2. Further discovery of identified NAACP members: House Defendants have indicated that they may wish to depose NAACP members identified in Paragraph 1 above to question them about claims asserted in the Complaint beyond their membership in the NAACP and place of residence. No such discovery shall be conducted without further order of the Court. If House Defendants wish to depose or seek further discovery regarding non-parties identified in Paragraph 1 above as members of the NAACP, they must submit a brief or letter to the Panel no longer than three pages setting forth the legal basis for such discovery within three business days of receipt of the information provided in Paragraph 1. If House Defendants make such a filing, Plaintiffs may file a response within three business days thereafter with the same page limit.

3. Delivery to the Panel of Documents Listed on the Parties’ Privilege Log for *in camera* review: The privilege logs of the Plaintiffs and House Defendants provide insufficient information for the Panel to evaluate the merits of their privilege claims. The Panel has determined that *in camera* inspection of the documents on each party’s privilege log is necessary. The parties have advised the Panel that they wish to meet and confer once again regarding their privilege logs. The parties shall deliver to the Panel *in camera* all documents remaining on their privilege logs on or before April 15, 2022.

4. Production of Documents Related to House Reapportionment on the Personal Accounts and Devices of Named House Defendants and Members of the Ad Hoc Committee on Redistricting: The Panel is informed that House Defendants have agreed to produce all documents related to House reapportionment on the legislative email accounts of the named House Defendants and members of the Ad Hoc Committee on Redistricting. The Panel is informed that one or more of these legislators may have received or sent information relating to House reapportionment on personal email accounts or via personal text messages or instant messages. House Defendants are directed to obtain from named House Defendants and members of the Ad Hoc Committee on Redistricting all such communications regarding House redistricting and to produce those communications to Plaintiffs that are not subject to privilege claims on or before April 19, 2022. Any documents claimed to be privileged must be promptly disclosed on an updated privilege log. Each of those legislators providing the information set forth above shall sign the attached certification (Attachment "A") under penalty of perjury stating that they have searched their personal accounts and devices and have produced all communications relating to House reapportionment.


AND IT IS SO ORDERED.



Toby Heytens
United States Circuit Judge



Margaret Seymour
Senior United States District Judge

A handwritten signature in black ink, appearing to read "R. Gergel", written in a cursive style.

Richard Gergel
United States District Judge

April 13, 2022
Charleston, South Carolina